



Chesterfield County, Virginia

Memorandum

DATE: SEPTEMBER 6, 2007
TO: CHESTERFIELD COUNTY PLANNING COMMISSION
FROM: JIMMY BOWLING, PRINCIPAL PLANNER
SUBJECT: R-5 RESIDENTIAL ZONING CATEGORY

Please find attached the Zoning Ordinance amendment for the R-5 zoning category, which you reviewed at your August 21st work session.

At your August work session, you scheduled time at your September 18th work session to further discuss this ordinance amendment.

If you have any questions, please feel free to contact me by phone at 748-1086, or by email at bowlingj@chesterfield.gov.

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AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTIONS 19-41, and 19-555 AND
ENACTING SECTIONS 19-100.8, 19-100.9, 19-100.10, 19-100.11, 19-100.12
AND 19-100.13 OF THE ZONING ORDINANCE RELATING TO THE NEW R-5
RESIDENTIAL ZONING DISTRICT CLASSIFICATION

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-41, and 19-555, of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted, and Sections 19-100.8, 19-100.9, 19-100.10, 19-100.11, 19-100.12 and 19-100.13 are enacted to read as follows:

Sec. 19-41. Districts enumerated.

(a) For the purpose of this chapter the county is hereby divided into districts as follows:

(8) R-C Conservation Subdivision Residential District.

(9) R-5 Single-Family Residential District.

(810) R-TH Townhouse Residential District.

(911) R-MF Multifamily Residential District.

(4012) MH-1 Manufactured Home Park District.

(4413) MH-2 Manufactured Home Subdivision District.

(4214) MH-3 Manufactured Home Park District.

(4315) A Agricultural District.

(4416) O-1 Neighborhood Office District.

(4517) O-2 Corporate Office District.

(4618) C-1 Convenience Business District.

(4719) C-2 Neighborhood Business District.

(4820) C-3 Community Business District.

(~~19~~21) C-4 Regional Business District.

(~~20~~22) C-5 General Business District.

(~~24~~23) I-1 Light Industrial District.

(~~22~~24) I-2 General Industrial District.

(~~23~~25) I-3 Heavy Industrial District.

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(b) Residence or residential districts, referred to as R Districts, include the R-88, R-40, R-25, R-15, R-12, R-9, ~~and~~ R-7, R-5 and R-C Districts. Manufactured home districts, referred to as MH Districts, include the MH-1, MH-2 and MH-3 Districts. Townhouse residential districts include the R-TH Districts. Multifamily residential districts include the R-MF Districts. Office districts, referred to as O Districts, include the O-1 and O-2 Districts. Business districts, referred to as C Districts, include the C-1, C-2, C-3, C-4 and C-5 Districts. Industrial districts, referred to as I Districts, include the I-1, I-2 and I-3 Districts. Agricultural districts include the A District.

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DIVISION 10.2. R-5 Residential District

Sec. 19-100.8. Permitted uses by right.

The following uses shall be permitted by right in the R-5 District: Those uses permitted by right in the R-88 District.

Sec. 19-100.9. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-5 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Uses permitted with restrictions in the R-88 District.

(b) Active recreational facilities (tennis courts, swimming pools, etc.) with accessory parking primarily serving the surrounding residential community, provided that:

(1) With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor playfields, courts, swimming pools and similar active recreational areas and accessory parking areas shall

be set back a minimum of 100 feet from any residential lot line and a minimum of 50 feet from any public street. Indoor recreational facilities shall be set back a minimum of 60 feet from any residential lot line and a minimum of 50 feet from any public street. Within the 100 foot and 60 foot setbacks, a 50 foot buffer shall be provided. This buffer shall conform to the requirements of Section 19-522 (a) (2).

- (2) Any playground areas which accommodate swings, jungle gyms or similar such facilities shall be set back a minimum of 50 feet from all property lines. A 40 foot buffer shall be provided along the perimeter of all such recreational facilities except where adjacent to any public streets. This buffer shall conform to the requirements of Section 19-522 (a) (2).
- (3) There shall be no outside public address system or speakers.

Sec. 19-100.10. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-5 District: Those accessory uses, buildings and structures permitted in the R-88 District.

Sec. 19-100.11. Conditional uses.

The following uses may be allowed by conditional use in the R-5 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

Sec. 19-100.12. Special exceptions.

The following uses may be allowed as special exceptions in the R-5 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

Sec. 19-100.13. Required conditions.

The conditions specified in this section shall be met in the R-5 District.

(a) *Lot area and width.* Each lot shall have an area of not less than 12,000 square feet and a lot width of not less than 90 feet. Provided, however, lot area may be reduced to a minimum of 5,000 square feet, and lot width for lots 9,000 square feet in area or less may be reduced to a minimum of 60 feet, if permanent public space, in an amount equivalent to that by which each residential lot has been reduced from 12,000 square feet, is provided in public spaces in common areas within the development. Such public spaces shall be subject to Sec. 19-100.13 (g). Required minimum lot area shall be exclusive of alleys, sidewalks, easements, buffers, open space or common areas.

(b) *Percentage of lot coverage.* All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of lot area. Provided, however, for lots of 7,000 square

feet in area or less all buildings, including accessory buildings, on any lot shall cover no more than 60 percent of lot area.

(c) *Front yard.* Minimum 35 feet in depth. Provided, however, for lots of 7,000 square feet in area or less there shall be no minimum required front yard setback. On lots over 7,000 square feet in area located along cul-de-sacs, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. Where the radius of the cul-de-sac is more than 40 feet, the building setback need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback of any lot, if the lot is located along an arterial or collector street. This additional setback requirement shall be noted on the record plat.

(d) *Side yard.* Two side yards, each a minimum of ten feet. Provided, however, for lots of 7,000 square feet in area or less there shall be no minimum required side yard setback.

(e) *Corner side yard.* Minimum of 30 feet; except a corner lot back to back with another corner lot shall have a corner side yard not less than 20 feet. Provided, however, for lots of 7,000 square feet in area or less there shall be no minimum required corner yard setback when public space is provided between the lot and the street.

(f) *Rear yard.* Minimum of 25 feet. Provided, however, for lots of 7,000 square feet in area or less there shall be no minimum required rear yard setback.

(g) *Public spaces.* Public spaces shall be defined as those portions of a subdivision exclusive of streets, alleys, driveways, parking areas, active recreational facilities, natural resource areas (floodplains, RPAs, wetlands, etc.), areas that cannot be developed due to physical constraints (topography, surface or sub-surface features such as mines, etc.), areas in required setbacks or buffers, Best Management Practices facilities, or any portion of a residential lot. The primary purposes of public spaces shall be to create a physical sense of community and neighborhood connectivity, and to minimize the appearance of higher density development inherent in subdivisions with smaller lot sizes, by incorporating such spaces throughout the subdivision, in proximity to individual lots, and in areas of high visibility from local subdivision streets. Public spaces shall be subject to the following criteria:

- (1) Public spaces shall be developed and used for passive recreation (walking trails, pathways, etc.), community gatherings, common play areas, etc. Public spaces may incorporate natural areas and other facilities designed to preserve natural vegetation and to mitigate environmental impacts of development if such areas and facilities are designed and maintained as amenities that enhance the appearance and function of public spaces.
- (2) Public spaces shall be located to maximize the visibility of such areas from streets within the subdivision. Locations shall primarily include, but shall not

necessarily be limited to, areas between residences and local streets as approved by the Virginia Department of Transportation.

(3) Public spaces shall have a minimum dimension of 50 feet and a minimum area of 4,000 square feet. However, the director of planning may approve smaller public spaces to accommodate development, subject to conditions that ensure such smaller spaces provide useable open space designed to promote passive recreational activities, neighborhood connectivity, and neighborhood gatherings.

(4) Public spaces shall be interconnected and transected with sidewalks, pathways, and/or trails and shall include facilities for passive recreation (walking trails, benches, etc.) and landscaping, reasonably dispersed throughout the public space, so as to promote passive recreational activities, neighborhood connectivity, and neighborhood gatherings.

(5) Public spaces shall be improved as follows:

(a) A minimum of one bench for each public space. The area around each bench shall be hardscaped, and benches shall be constructed of durable, low maintenance, all-weather materials and anchored in place so as to ensure their long-term usefulness.

(b) Landscaping shall be provided around the perimeter of each public space, except along streets, in accordance with Perimeter Landscaping A, as detailed in Section 19-518 (g) (1).

(6) Public spaces shall be set aside for the use and enjoyment of all residents of the subdivision and shall be placed in the ownership of, or subject to a recorded easement in favor of, a homeowners association for the benefit of the homeowners.

(h) *Condemnation or Acquisition of Public Spaces.* If any public space is taken or acquired by the County or any other entity with the power of eminent domain, such taking or acquisition would not, by itself, render the remaining property non-conforming.

(i) *Post or pole lighting.* One post or pole lighting fixture shall be provided on each lot. Post or pole lighting fixtures shall be installed adjacent to the street. Post or pole lighting fixtures, poles and lamp types shall be consistent along any given street. Selected fixtures shall be of a design in keeping with the residential character of the subdivision and shall be compatible with existing and anticipated development. Fixture mounting heights shall be at least six feet above grade.

(j) *Street trees.* Street trees shall be provided on both sides of all streets.

(k) *Garage orientation.* Front loaded attached garages shall be located no closer to the street than the front façade of the dwelling unit.

(l) *Driveways.* Driveways shall be hardscaped with asphalt, concrete, paving block, brick, or similar material.

(m) *Alleys.* Alleys shall be hardscaped with asphalt, concrete, paving block, brick, or similar material. The minimum width of alleys shall be 16 feet.

(n) *Buffers.* Buffers shall be located in recorded open space and shall not be included in lots.

(o) *Mail boxes.* Individual, curb-side mail boxes shall be prohibited. Mail boxes shall be provided along local streets at locations convenient to residents. Locations shall be as approved by the County Transportation Department.

(p) *Mixing of lots of various sizes.* Within any section of a subdivision developed for lots of less than 12,000 square feet in area, lots shall not vary in area by more than 3,000 square feet.

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Sec. 19-555. Required yards for accessory buildings and structures in R, R-TH, MH and A Districts.

Except as indicated in this section, the yard requirements for permitted uses shall apply to the accessory buildings and structures.

- (1) In R, MH-2 and A Districts and in R-TH Districts identified in section 19-106, detached accessory buildings less than 12 feet in height, accessory structures which have a roof or any structures specified in section 19-507(f) except amateur radio antennas in excess of 50 feet in height shall observe a side yard setback not less than half the required side yard for a permitted use, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the side yard setback shall not be less than three feet; a front yard setback of the lesser of half the average depth of the lot or 80 feet, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the front yard setback shall not be less than 30 feet; and a rear yard setback of not less than ten feet; except that an accessory building or structure which has a roof located on a through lot shall meet a rear yard setback of not less than 30 feet and an accessory building or structure which has a roof located on a corner lot shall observe a corner side yard setback not less than the required front yard setback for a permitted use, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the corner side yard setback shall be not less than 15 feet.

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- (3) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building having a height of 12 feet or greater shall observe an interior side yard not less than the side yard required for a permitted use, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the side yard setback shall not be less than three feet; a rear yard setback of not less than half the required rear yard for a permitted use, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the side yard setback shall not be less than ten feet, except that a building located on a through lot shall meet a rear yard setback of not less than 30 feet; a corner side yard setback of not less than the front yard requirement for a permitted use provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the corner side yard setback shall not be less than 15 feet; and a front yard setback the lesser of half the average lot depth or 80 feet, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the front yard setback shall not be less than 30 feet.
- (4) In R, MH and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building shall cover no more than 20 percent of the required rear yard, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, a detached accessory building shall cover no more than 50 percent of the required yard.
- (5) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, carports attached to single-family dwellings shall observe interior side yard setbacks not less than half the required side yard in that district, but in no case less than five feet, provided however that in R-5 Districts for lots of 7,000 square feet in area or less, the minimum setback shall be three feet.
- (2) *That this ordinance shall become effective immediately upon adoption.*